IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 622/2006
SUSARAM Vs. STATE OF RAJASTHAN & ORS.

DATE: 17.01.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Rajesh Sharma for the petitioner.
Mr. Ashwani Kr. Sharma, P.P. for the State.

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This revision petition under Section 397 r/w Section 401 Cr.P.C. is directed against the order dated 23.05.2006 passed by the Additional Sessions Judge, Shahpura, District Jaipur, by which the trial Court has rejected the application of the petitioner under Section 216 and 319 Cr.P.C. on the ground of delay.

In the considered view of the Hon'ble Supreme Court and of this Court, this application should be disposed of on its merit and not only on the ground of delay. Therefore, in the interest of justice, I deem it proper to quash and set-aside the impugned order dated 23.05.2006 to the extent of rejecting the application under Section 319 Cr.P.C. and remit the matter back to the trial Court for fresh adjudication on the application under Section 319 Cr.P.C. on its merit as per law.

With the aforesaid observations, the revision petition stands disposed of.

(K.S. RATHORE),J.

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